IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

jmi

NOTICE OF MOTION NO. 2213 OF 2005
IN
SUIT NO. 246 OF 1977.

Nalini Ramakant Jadhav. ..Plaintiff.
vs.
Manorama Widow of Madhavrao
Jagtap & Ors. ..Defendants.

....

Ms. B.P. Jhakadi, for Plaintiff.
Mr. Uday M. Jagtap, Defendant No.2, present in person.

....

CORAM : S.J. KATHAWALLA, J.
DATE : 7TH DECEMBER 2010.

P.C.

By this Notice of Motion, the Plaintiff has prayed that the order dated 9th June 2005 dismissing Suit No. 246 of 1977 for default be set aside. The Defendant No.1 has expired. Defendant No.2 is present in person. He states that Defendant Nos. 3 and 4 are his sisters who are not interested in the Suit property and have till date not come forward to oppose the Suit. He states that he has no objection if the Notice of Motion is allowed and the Suit is restored to file.

2. In view thereof, the Notice of Motion is made absolute in terms of prayer clause (a). The Notice of Motion is accordingly, disposed of.

3. Place the Suit for framing of issues before the Appropriate Court on 10th January 2011.

4. A copy of this order shall be forthwith forwarded by the Advocate for the Plaintiff by Registered Post A.D. to Defendant Nos. 3 and 4 at the address provided by the Defendant No.2.

[S.J. KATHAWALLA, J.]